

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 59-116 are pending in the application. Claims 109 and 113 are amended by the present amendment. As amended Claims 109 and 113 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 76-78, 84-86, 92-94, 100, 101 and 109 were rejected under 35 U.S.C. §102(b) as anticipated by Noneman (U.S. Patent 5,887,252); Claims 79-83, 87-91, 95-99, 102, 103, 110 and 111 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and Claims 59-75, 104-108 and 112-116 are allowed.

Applicants appreciatively acknowledge the indication of allowable subject matter.

Applicants and Applicants' representatives thank Examiner Sobutka for the courtesy of the interview granted to Applicant's representatives on October 5, 2005. During the interview, differences between the claims and Noneman were discussed. Examiner Sobutka agreed that Noneman only described the sending of a single code channel index in the EDHM discussed at column 5, lines 26-32. Thus, Examiner Sobutka agreed that pending Claims 76, 84, 92, and 100 overcome the outstanding rejection, and Claim 109 would overcome the outstanding rejection if amended to recite plural radio channels.

Claim 113 is amended to correct an informality.

With regard to the rejection of Claim 76 under 35 U.S.C. §102(b) as anticipated by Noneman, that rejection is respectfully traversed.

Claim 76 recites, *inter alia*, a multicast service providing method, wherein:

“the information distributing apparatus informs all the radio terminals present in the service area of information for

identifying multicast information on distribution and radio channels used for the distribution of the multicast information by using a predetermined radio channel...”

During the above-mentioned interview, Examiner Sobutka asserted that the code channel index included in the EHDM was a “radio channel.” However, assuming *arguendo* that the code channel index described by Noneman is a “radio channel,” Noneman only describes including a *single* code channel index in the EDHM.¹ Accordingly, Noneman does not teach or suggest “the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and *radio channels* used for the distribution of the multicast information by using a predetermined radio channel,” as recited in Claim 76.

As Noneman fails to teach or suggest the above cited feature of Claim 76, it is respectfully submitted that Claim 76 (and Claims 77-83 dependent therefrom) is not anticipated by Noneman and is patentable thereover.

Further, as independent Claims 84, 92, and 100, and amended independent Claim 109 also recite “radio channels,” Claims 84, 92, 100, and 109 (and Claims 85-91, 93-99, 101-103, 110, and 111 dependent therefrom) are patentable over Noneman for at least the reasons described above with respect to Claim 76.

¹See Noneman, column 5, lines 26-32.

Application No. 10/018,005
Reply to Office Action of June 30, 2005

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 59-116 is patentably distinguishing over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

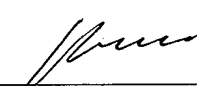
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward Tracy
Registration No. 47,998

I:\ATTY\ET\217204US\217204US-SUPP AMD10.30.05.DOC